



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Steve Tate, Mayor	Steve Tate, Chair
Larry Carr, Mayor Pro Tempore	Larry Carr, Vice-Chair
Mark Grzan, Council Member	Mark Grzan, Agency Member
Marby Lee, Council Member	Marby Lee, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member

WEDNESDAY, MAY 2, 2007

AGENDA

JOINT MEETING

CITY COUNCIL REGULAR MEETING

and

REDEVELOPMENT AGENCY REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Tate)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

RECOGNITIONS

California Highway Patrol (CHP) 10851 Award for Recovery of Stolen Vehicles – Kyle Christensen
CHP Chief Robert Clements

PROCLAMATIONS

Bike to Work Week
Jim Ashcraft

Cycling and Trail Awareness Award
Jim Ashcraft

National Hospital Week
Ted Fox

PRESENTATIONS

South Valley Disposal & Recycling Recyclers of the Year
Julie Osborne

Environmental Poster Contest Winners
Tony Eulo

Chamber of Commerce Sustainable Quality and Excellence Awards
Dan Ehrler

Sustainable Quality Award
Specialized Bicycles

Stewardship of the Natural Environment and Social Responsibility
Comcast – Morgan Hill Call Center

Stewardship of the Natural Environment and Social Responsibility
St. Catherine Parish and School

Stewardship to the Natural Environment
People and Planet

Stewardship to the Natural Environment
South County Housing

CITY COUNCIL REPORTS

Council Member Carr

CITY COUNCIL COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council and Redevelopment Agency Action

ADOPTION OF AGENDA

City Council Action

CONSENT CALENDAR:

ITEMS 1-12

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

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Consent Calendar: 1 - 10 Minutes

1. **JANITORIAL SERVICES AGREEMENT AMENDMENT..... 1**
Recommended Action(s):
 1. **Approve** an Amendment to the Centennial Recreation Center Janitorial Services Maintenance Agreement Extending Services to the Aquatics Center from May 15, 2006, until September 30, 2008, with Sunnyvale Building Maintenance in the Amount of \$36,975; and
 2. **Authorize** the City Manager to Execute the Agreement on Behalf of the City; Subject to Review and Approval by the City Attorney.

2. **ADOPT ORDINANCE NO. 1825, NEW SERIES.....13**
Recommended Action(s): **Waive** the Reading, and **Adopt** Ordinance No. 1825, New Series, and **Declare** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-04-06: COCHRANE-BORELLO TO ALLOW FOR A FOUR MONTH EXTENSION TO COMMENCE CONSTRUCTION UNDER THE FISCAL YEAR 2006-2007 BUILDING ALLOTMENT. (MP-03-04: COCHRANE-BORELLO)**

Time Estimate

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Consent Calendar: 1 - 10 Minutes

3. **ADOPT ORDINANCE NO. 1826, NEW SERIES**19
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1826, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-05-01: COCHRANE-MISSION RANCH TO ALLOW A FOUR MONTH EXTENSION TO COMMENCE CONSTRUCTION OF THE FISCAL YEAR 2006-2007 AND INCORPORATION OF ALLOCATIONS FOR FISCAL YEAR 2009-2010. (MC-04-26: COCHRANE-MISSION RANCH)**

4. **ADOPT ORDINANCE NO. 1827, NEW SERIES**25
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1827, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-05-02: COCHRANE-LUPINE TO ALLOW A SIX MONTH EXTENSION TO COMMENCE CONSTRUCTION FOR THE FISCAL YEAR 2006-2007 BUILDING ALLOTMENT. (MC-04-25: COCHRANE-LUPINE)**

5. **ADOPT ORDINANCE NO. 1828, NEW SERIES**31
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1828, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-05-04: EAST MAIN-MARRAD TO ALLOW FOR A FOUR MONTH EXTENSION TO COMMENCE CONSTRUCTION FOR THE FISCAL YEAR 2006-2007 ALLOTMENT AND TWO MONTH EXTENSIONS FOR THE FISCAL YEAR 2007-2008 AND FISCAL YEAR 2008-2009 ALLOTMENTS. (MC-04-19: EAST MAIN – MARRAD/SAN SAVIGNO)**

6. **ADOPT ORDINANCE NO. 1829, NEW SERIES**39
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1829, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-04-08: TILTON-GLENROCK AMENDING EXHIBIT B TO INCLUDE ONLY COMMENCEMENT OF CONSTRUCTION DATES. (MP-02-03: TILTON-GLENROCK)**

7. **ADOPT ORDINANCE NO. 1830, NEW SERIES**45
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1830, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-03-09: NATIVE DANCER – QUAIL MEADOWS TO ALLOW FOR A ONE-YEAR EXTENSION TO COMMENCE CONSTRUCTION OF THE FISCAL YEAR 2005-2006 BUILDING ALLOTMENT. (MMP-03-01: NATIVE DANCER-QUAIL MEADOWS)**

Time Estimate

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Consent Calendar: 1 - 10 Minutes

8. **ADOPT ORDINANCE NO. 1831, NEW SERIES**51
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1831, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-05-13: JARVIS – SOUTH VALLEY DEVELOPERS TO ALLOW SIX-MONTH EXTENSIONS TO COMMENCE CONSTRUCTION OF FISCAL YEAR 2006-2007 AND FISCAL YEAR 2007-2008 BUILDING ALLOTMENTS. (MC-04-22: JARVIS-SOUTH VALLEY DEVELOPERS/MADRONE PLAZA)**

9. **ADOPT ORDINANCE NO. 1832, NEW SERIES**57
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1832, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-06-03: JARVIS – SOUTH COUNTY HOUSING TO ALLOW SIX-MONTH EXTENSIONS TO COMMENCE CONSTRUCTION UNDER THE FISCAL YEAR 2007-2008 AND FISCAL YEAR 2008-2009 BUILDING ALLOTMENTS. (MC-05-02: JARVIS-SOUTH COUNTY HOUSING/MADRONE PLAZA)**

10. **ADOPT ORDINANCE NO. 1833, NEW SERIES**63
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1833, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-05-06: GINGER – CUSTOM ONE TO ALLOW FOR AN EIGHT-MONTH EXTENSION TO COMMENCE CONSTRUCTION OF THE FISCAL YEAR 2006-2007 BUILDING ALLOTMENT. (MMC-04-07: GINGER-CUSTOM ONE)**

11. **ADOPT ORDINANCE NO. 1834, NEW SERIES**69
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1834, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-05-12: SAN PEDRO-AHMADI TO ALLOW A TWO-MONTH EXTENSION TO COMMENCE CONSTRUCTION OF THE FISCAL YEAR 2006-2007 BUILDING ALLOTMENT. (MMC-04-06: SAN PEDRO-AHMADI)**

12. **ADOPT ORDINANCE NO. 1835, NEW SERIES**75
Recommended Action(s): Waive the Reading, and Adopt Ordinance No. 1835, New Series, and Declare That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE DEVELOPMENT AGREEMENT UNDER APPLICATION, DAA-05-09: DEL MONTE - GIOVANNI TO ALLOW A SIX-MONTH EXTENSION TO COMMENCE CONSTRUCTION UNDER THE FISCAL YEAR 2006-2007 BUILDING ALLOTMENT. (MMC-04-05: DEL MONTE-GIOVANNI)**

Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 13-14

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
13.	<u>APPROVAL OF \$49,314.72 FOR INTERIOR FURNITURE FOR THE NEW MORGAN HILL LIBRARY</u>		81
	<u>Recommended Action(s):</u> <u>Authorize</u> the Purchase of Additional Office Furniture from Peninsula Business Interiors (PBI). PBI Shall Provide and Install the Office Furniture for the New Morgan Hill Library in an Amount Not-to Exceed \$49,314.72. This Cost is Based on U.S. Communities Government Purchasing Alliance (U.S. Communities).		
14.	<u>OVERFLOW PARKING LEASE FOR CALIFORNIA YOUTH SOCCER ASSOCIATION (CYSA) EVENTS DURING OUTDOOR SPORTS CENTER CONSTRUCTION</u>		83
	<u>Recommended Action(s):</u> <u>Authorize</u> the Executive Director to Negotiate and Execute a Temporary Land Use Agreement with Evergreen Investment Group II for Event Overflow Parking Needs During the Construction Phase of the Outdoor Sports Center; Subject to Review and Approval by the Agency Counsel.		

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 15

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
15.	<u>APPROVE JOINT REGULAR CITY COUNCIL AND REGULAR REDEVELOPMENT AGENCY MEETING MINUTES OF APRIL 18, 2007</u>		85

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
16.	10 Minutes	<u>VALLEY TRANSPORTATION AUTHORITY (VTA) BUS PROGRAM UPDATE</u>	109
		<u>Recommended Action(s):</u> <u>Receive</u> Presentation and <u>Comment</u> on the Revised Community Bus Program Routes by VTA.	
17.	10 Minutes	<u>COMMUNITY SPECIAL EVENT FUNDING REQUESTS FOR FISCAL YEAR 2007-2008 BUDGET CONSIDERATION</u>	111
		<u>Recommended Action(s):</u>	
		1. <u>Review</u> Requests Submitted by Community Organizations; and	
		2. <u>Provide</u> Funding Direction to Staff for Consideration in the Fiscal Year 2007-2008 Budget Process for Community-Wide Special Events.	

OTHER BUSINESS:

Time Estimate

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| 18. | 30 Minutes | <u>PUBLIC SAFETY & COMMUNITY SERVICES (PS&CS) EVALUATION OF POLICE DEPARTMENT SERVICE LEVELS</u>143
Recommended Action(s): <u>Adopt</u> Recommendations by the Council's Public Safety & Community Services Committee for Service Level Enhancements to the Morgan Hill Police Department. | 143 |
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City Council and Redevelopment Agency Action

OTHER BUSINESS:

Time Estimate

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| 19. | 5 Minutes | <u>STRATEGY FOR EXPENDITURE OF REDEVELOPMENT TAX INCREMENT FUNDS</u>211
Recommended Action(s): The Council <u>Review</u> and <u>Revise</u> , as Appropriate, the "Strategy for Expenditure of Redevelopment Tax Increment Funds." | 211 |
| 20. | 20 Minutes | <u>COUNCIL'S ECONOMIC DEVELOPMENT GOAL</u>215
Recommended Action(s): <u>Adopt</u> the Revised Recommendations of the Council's Community and Economic Development Committee (C&ED) Regarding the City's Economic Development Strategy and <u>Direct</u> the C&ED to Evaluate the Morgan Hill Chamber of Commerce's Economic Development Marketing/Recruitment Proposal and any Other Options Using the Adopted Recommendations. | 215 |

FUTURE COUNCIL AGENCY-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

City Council Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority:	Government Code section 54956.9(a)
Case Name:	Arcadia Development Company v. City of Morgan Hill
Case Number:	County of Santa Clara No. 1-04-CV-020598.
Attendees:	City Manager; City Attorney; Special Counsel

2.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority:	Government Code Section 54957.6
Agency Negotiators:	City Manager; Human Resources Director
Employee Organizations:	Employees Covered under Management Resolution No. 6061

Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Authority:	Government Code 54956.8
Property:	17440 Monterey Road, APN: 726-14-028
Negotiating Parties:	
For City:	City Manager, Director of Business Assistance & Housing Services, City Attorney
For Property Owners:	Sherman House Associates
Closed Session Topic/Under Negotiation:	Price and Terms of Payment

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.